

Application No.: 10/777,809

Docket No.: OSTEONICS 3.0-482

IN THE DRAWINGS

FIG. 3 has been amended.

Attachment: Replacement Sheet

REMARKS

The present Amendment is in response to the Official Action mailed September 13, 2006. Claims 1, 3, 15, 19, 20 and 39 have been amended, claims 48 and 49 are new, and claims 18 and 23-38 have been cancelled. Therefore, claims 1-17 and 19-22, and 39-49 are currently pending in the present application. The following sets forth Applicant's remarks relating to the currently pending claims.

Initially, in the Official Action, the Examiner reiterated the previous restriction requirement and Applicant's election of Group I including claims 1-22 and 39-47. In the present response, Applicant hereby affirms this election and cancels claims 23-38 accordingly. It is to be understood that Applicant reserves the right to pursue any of the cancelled subject matter of claims 23-38 in any continuing or divisional applications relating to the present case.

Further in the Official Action, the Examiner objected to the drawings under 37 C.F.R. 1.83(a) for failing to show every features of the invention specified in the claims. Specifically, the Examiner asserts that the drawings do not show a U-shaped cover as claimed in dependent claim 18. In response to this objection, Applicant has cancelled claim 18 and therefore trusts that the objection should be removed. In addition, the Examiner has objected to FIG. 3 for failing to show front wall 20. In the Examiner's opinion, FIG. 3 is inaccurate as cover 14 is depicted as sliding over an open front that makes it appear as though the cover forms the front wall. Submitted along with the present Amendment is a revised FIG. 3 which clearly depicts and refers to front wall 20. Applicant notes that front wall 20 was inadvertently left out of FIG. 3 and the corrected drawing sheet is submitted to remedy same. Given that the specification is clear regarding front wall 20 and that certain of the remaining originally presented figures

depicted same at the time of filing, Applicant respectfully submits that the submission of revised FIG. 3 does not constitute new matter. In light of the revised figure, the objection of FIG. 3 should also be removed.

Still further in the Official Action, the Examiner has objected to the title of the application as being not descriptive. Although Applicant respectfully disagrees with the Examiner's assertion, the title as been amended herein to read "A Portable Laptop Display and Storage Apparatus." Applicant trusts that this new title is sufficiently descriptive and requests that the objection to the title be removed.

In the Official Action, the Examiner has also rejected claims 1-22 and 39-47 under 37 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. The Examiner asserts that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains or with which it is most nearly connected to make and/or use the invention. The Examiner goes on to state that the present invention is replete with descriptions that do not provide structural details of the features embodied thereby to such an extent that one skilled in the art would have enabled by such description. For example, the Examiner notes page 6, lines 1 and 2 where it is stated that the cover may include "additional members (not shown)", page 7, paragraph [0024] where material is described as having "higher coefficient", page 8 paragraph [0027] where the cover is noted as being envisioned to include "additional members (not shown)", page 9, paragraph [0029] where speakers are contemplated with no details set forth as to how the apparatus is constructed to properly amplify sound and references only made to "as known in the art", and page 10, paragraph [0031] where it is described that a platform with "wheels" that leaves one skilled in the art subject to undue testing of various constructions in order to

create a working environment. Applicant strongly disagrees with each of the above assertions by the Examiner.

More particularly, in Applicant's attorney's opinion, the disclosure of the present application is sufficiently clear in its description of the present invention. The fact that certain aspects of the invention are not described in detail is immaterial as one of ordinary skill in the art would readily recognize the contemplated elements and variations of same. For example, the recitation of a "higher frictional coefficient" (than the rigid material discussed in paragraph [0020]) in paragraph [0024] would clearly be understood by one of ordinary skill in the art to refer to a surface that would better hold an object being displayed. In addition, one of ordinary skill in the art would readily recognize suitable materials for providing this higher frictional coefficient. Likewise, the remaining elements noted by the Examiner as being unclear in the specification or not properly described are also all of the type easily understood by a person of ordinary skill in the art. For example, it would hardly require one of ordinary skill in the art to provide the apparatus with wheels for ease of transport. Such are well-known in the art of carrying cases and the like, such as wheeled drawer runners or wheeled suitcases, and could readily be implemented into the present invention without being detailed in the present invention. No undue experimentation would be required to add wheels to the apparatus of the present invention. In addition, Applicant notes that the currently pending claims do not include claim limitations relating to each and every one of the elements noted by the Examiner. Therefore, in light of all of the above arguments, Applicant respectfully requests that the rejection under § 112, first paragraph of claims 1-32 and 39-47 be removed.

Still further in the Official Action, the Examiner has also rejected claims 3, 19 and 39 under 35 U.S.C. § 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner rejects to claims 3 and 19 because the term "said body" has improper antecedent basis. In the present Amendment, both claims 3 and 19 have been amended to refer to "said container" which is a limitation referred to in earlier claims. Thus, such claims now exhibit proper antecedent basis. With regard to claim 19, the Examiner notes the term "being suitable and aesthetic for display" of such claim as unclear in scope. Applicant notes that such claim has also been amended to remove the recitation of the display surfacing being aesthetic, and as such, such claim only requires the display surface be suitable for display of products in sales presentations. This, in Applicant's opinion, is clear in its scope. Therefore, the rejections of claims 3, 19 and 39 under 35 U.S.C. § 112, second paragraph, should be removed.

Finally, with regard to the substance of the Official Action, the Examiner has rejected several of the currently pending claims. Specifically, claims 1, 2, 4, 5, 7, and 9-18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,796,962 to Ritter, Jr. ("Ritter"), claims 39-47 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,145,661 to Jung ("Jung"), claims 1-5, 7, 9-15, and 19-22 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,857,568 to Speirs ("Speirs"), and claims 1, 4, 5, 6, 7, and 9 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,835,344 to Alexander ("Alexander"). In addition, the Examiner has rejected dependent claim 8 under 35 U.S.C. § 103(a) as being obvious in light of Ritter and Speirs, and claim 47 under 35 U.S.C. § 103(a) as being obvious in view of Jung. Because of the several rejections set forth in the Action,

Applicant will discuss same in connection with currently pending independent claims 1, 20 and 39.

With regard to independent claim 1, it is essentially the Examiner's position that Ritter, Speirs and Alexander all anticipate such claim. Further, with regard to independent claim 20, it is essentially the Examiner's position that Speirs anticipates same. Finally, with regard to independent claim 39, it is essentially the Examiner's position that Jung anticipates such claim. Applicant has amended each of independent claims 1, 20 and 39 to more specifically claim that which Applicant regards as the invention, and Applicant's arguments relating to such amendments in light of the prior art of record are set forth below.

First, with regard to independent claim 1, it is noted that such claim has been amended to more particularly claim the container structure taught in the present application and clearly shown in the drawings of the present application. Specifically, such claim now requires that the container include a front wall, a rear wall confronting but not touching the front wall, a bottom wall connected to the front and rear walls, two adjacent side walls connected to the front, rear, and bottom walls, and an opening wherein the container includes at least one compartment therein which is enclosed by the front, rear, bottom, and side walls and accessible through the opening. At least these limitations are not taught by either Ritter, Speirs or Alexander. In this regard, it is noted that each of Ritter, Speirs and Alexander teach open top containers with at least one compartment accessible through the opened top. They do not teach a container having front and rear walls, where the front and rear walls confront but do not touch each other. At least this limitation creates the structure of the present invention, which is useful for displaying both an electronic device and a product during use. In addition, claim 1 has been amended to

require that the cover include a rear member which covers at least a portion of the rear wall of the container. This is also not taught by any of Ritter, Speirs or Alexander. Because Ritter, Speirs and Alexander do not teach all of the limitations of amended claim 1, Applicant respectfully submits that the rejections of independent claim 1 should be removed.

Second, with regard to independent claim 20, it is noted that such claim has also been amended to require similar limitations relating to the container as those set forth in independent claim 1. Given that the only reference applied to independent claim 20 is Speirs, Applicant respectfully submits that the same arguments as those set forth above in relation to independent claim 1 also apply to independent claim 20, thereby clearly overcoming the Speirs reference. As such, Applicant also respectfully submits that the rejections of independent claim 20 should be removed.

Third, with regard to independent claim 39, it is noted that such claim has been amended to require that the container have a compartment for holding an electronic device, a flat planar display surface adjacent *but not within* the compartment, the display surface being suitable for display of products and sales presentations, and an opening providing access to the compartment and allowing a display screen of an electronic device stored in the compartment to extend substantially above an adjacent the display surface. Given that the only reference applied to independent claim 39 is Jung, Applicant respectfully submits that such reference does not teach the limitations of independent claim 39. Specifically, such claim, as amended, requires that the container include a flat planar display surface that is not within a compartment. Jung only teaches a surface inside of the compartment which houses the electronic device (i.e. the laptop). Even if the laptop of Jung were situated in an opposite position from that

which is shown in FIG. 9 of Jung, it is noted that independent claim 39 has also been amended to incorporate the subject matter of originally presented dependent claims 43 and 44. More particularly, independent claim 39 now requires a cover removably attached to the container. This is not taught in the Jung reference, and as such, Applicant respectfully submits that independent claim 39 is not anticipated by Jung. Finally, the cover is capable of covering both the opening in the container and at least a portion of the display surface, something not taught by Jung. Thus, the rejections of independent claim 39 should also be removed.

In conclusion, Applicant respectfully submits that the above-noted amendments and arguments overcome the prior art of record. Specifically, independent claims 1, 20 and 39, as amended, are not anticipated by any of Ritter, Jung, Speirs or Alexander. Furthermore, Applicant takes the opportunity to note that none of those references obviate either of claims 1, 20 or 39. Where such references teach relatively simple containers (some for laptops) they do not teach the specific construction or the usefulness of the present invention. Therefore, Applicant respectfully requests allowance of independent claims 1, 20 and 39. As the remaining currently pending claims depend upon one of such allowable independent claims, Applicant also respectfully requests allowance of same. A dependent claim is necessarily narrower than its respective independent claim. In this regard, Applicant notes that new dependent claims 48 and 49 have been added, and properly depend upon claims 2 and 20, respectively.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is

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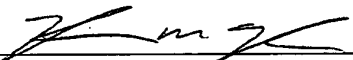
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respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: December 11, 2006

Respectfully submitted,

By 
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